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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The folowing Bills were introduced in Lok Sabha on the 20th December, 1971:—

BILL No. 169 OF 1971

A Bill further to amend the salaries and allowances of Members of Parliament Act, 1954.

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Salaries and Allowances of Members of Parliament (Amendment) Act, 1971.

Amendment of section 4.

2. In section 4 of the Salaries and Allowances of Members of Parliament Act, 1954 (hereinafter referred to as the principal Act), in sub-clause (*ii*) of clause (*c*) of sub-section (*1*), for the words "eight annas per mile", the words "thirty-two paise per kilometer" shall be substituted.

30 of 1954.

Amendment of section 6.

3. In section 6 of the principal Act, in the *Explanation* to sub-section (*1*), for the words, figure and letter "For the purposes of this sub-section and section 6A", the words, figures and letters "For the purposes of this sub-section and sections 6A and 6B" shall be substituted.

Insertion of new section 6A.

4. In the principal Act, section 6A shall be re-numbered as section 6B thereof and before that section as so re-numbered, the following section shall be inserted, namely:—

Free transit by steamer.

"6A. (*1*) Without prejudice to the provisions of section 6, every member representing the Union territory of the Andaman and Nicobar Islands or the Union territory of the Laccadive, Minicoy and Amindivi Islands shall be provided with one free non-transferable pass which shall entitle him to travel at any time by the highest

class by steamer to and fro any part of his constituency and any other part of his constituency or the nearest port in the mainland of India:

Provided that nothing in this sub-section shall be construed as absolving the member from payment of any diet charges payable by him during such travel.

(2) A free steamer pass issued to a member under sub-section (*1*) shall be valid for the term of his office and on the expiration of his term, the pass shall be surrendered to the Secretary of the House of the People:

Provided that where any such pass is issued to a new member before he takes his seat in the House of the People, he shall be entitled to use the pass for attending a session of that House for taking his seat therein.

(*3*) Until a member is provided with a free steamer pass under sub-section (*1*), he shall be entitled to an amount equal to one and three-fifths of the fare (without diet) for the highest class for any journey of the nature referred to in sub-section (*1*) of section 4 performed by him by steamer.

(4) A member who on ceasing to be a member surrenders the steamer pass issued to him under sub-section (*1*) shall, if he performs any return journey by steamer of the nature referred to in sub-section (*1*) of section 4, be entitled in respect of that journey to an amount equal to one and three-fifths of the fare (without diet) for the highest class.

(5) Nothing in this section shall be construed as disentitling a member to any travelling allowances to which he is otherwise entitled under the provisions of this Act.".

STATEMENT OF OBJECTS AND REASONS

The main object of the Bill is to enable the members of Parliament representing the Union territory of the Andaman and Nicobar Islands and the Union territory of Laccadive, Minicoy and Amindivi Islands to the facility of a free non-transferable pass which would entitle them to travel at any time by the highest class by steamer to and fro any part of his constituency and any other part of his constituency or the nearest port in the mainland of India.

2. The other amendments proposed in the Bill are either consequential or verbal in nature.

RAJ BAHADUR.

NEW DELHI;
The 3rd December, 1971.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. F.4(8)|71-R&C, dated the 13th December, 1971 from Shri Raj Bahadur, Minister of Parliamentary Affairs and Shipping and Transport to the Secretary, Lok Sabha.]

The President having been informed of the subject matter of the proposed Bill further to amend the Salaries and Allowances of Members of Parliament Act 1954 recommends the introduction of the Bill in the Lok Sabha under article 117(1) of the Constitution and the consideration of the Bill by the Lok Sabha under article 117(3) of the Constitution.

FINANCIAL MEMORANDUM

Clause 4 of the Bill seeks to provide for the grant of a free pass to members of Parliament representing the Union territory of the Andaman and Nicobar Islands and the Union territory of Laccadive, Minicoy and Amindivi Islands to enable them to travel by steamer in the highest class to and fro any part of his constituency and any other part of his constituency or the nearest port in the mainland of India. It is not possible to estimate in exact terms, the amount of expenditure that would be incurred on account of this facility. However, it is roughly estimated that the financial effect on this account would be approximately Rs. 10,000 per annum.

2. There will be no non-recurring expenditure.

Bill No. 175-F of 1971

A Bill to provide for the control, in the interests of the general public, of prices of newspapers with a view to ensuring that newspapers continue to function, in the prevailing conditions, as effective mass communication media and for securing their availability at fair prices.

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

Short title, extent and duration.

1. (*1*) This Act may be called the Newspapers (Price Control) Act, 1971.

(*2*) It extends to the whole of India.

(*3*) It shall cease to have effect on the expiry of two years from the date of its commencement except as respects things done or omitted to be done before such cesser of operation of this Act and section 6 of the General Clauses Act, 1897, shall apply upon such cesser of operation of this Act as if it had then been repealed by a Central Act.

16 of 1971.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "basic price", in relation to a newspaper, means the price of the newspaper on the 22nd day of October, 1971 [being the date on which the Stamp and Excise Duties (Amendment) Ordinance, 1971, was promulgated] or if the newspaper was not published on that day, its price on the day on which it is first published after that day;

(*b*) "basic price date", in relation to a newspaper, means the date with reference to which its basic price is to be ascertained under clause (*a*);

(*c*) the expressions "newspaper", "owner" and "publisher" have the same meanings as in the Press and Registration of Books Act, 1867. 25 of 1867.

Power to fix maximum prices of newspapers.

3. (*1*) If the Central Government is of opinion that for the purpose of securing the availability of any newspapers or any class of newspapers at fair prices, it is necessary or expedient to do so, the Central Government may, from time to time, by order published in the Official Gazette, determine the maximum prices which may be charged for such newspapers or newspapers of such class as may be specified in the order.

(*2*) In making under sub-section (*1*) any order determining the maximum price which may be charged for any newspaper referred to in that sub-section, the Central Government shall have regard to—

(*a*) the basic price of the newspaper;

(*b*) the excise duties and other taxes, if any, payable in respect of the newspaper;

(*c*) any special circumstances arising on or after the basic price date of the newspaper and having a bearing on the cost of the production of newspapers; and

(*d*) all other relevant circumstances:

Provided that the maximum price determined in respect of a newspaper shall in no case be less than its basic price.

(*3*) No order shall be made under this section in respect of any newspaper which is being sold at a price not exceeding its basic price.

(*4*) An order made under sub-section (*1*) may provide for different maximum prices in respect of different newspapers or different classes of newspapers or different newspapers in each such class and may provide for such incidental and supplemental matters (including the printing in a newspaper to which the order relates of the price thereof in a conspicuous manner) as the Central Government may deem fit.

Review and revision of orders.

4. (*1*) The owner or publisher of a newspaper to which an order under sub-section (*1*) of section 3 relates may,—

(*a*) if he is aggrieved by such order, make within thirty days of the date of publication of the order in the Official Gazette, an application to the Central Government for a review of the order setting out in such application the grounds on which he considers such review to be necessary;

(*b*) whenever fresh circumstances having a bearing on the cost of production of the newspaper arise after the date of making of the order, make an application for a revision of the order within thirty days after the date on which such circumstances have arisen,

and the Central Government may pass such order on the said application for review or revision as it thinks fit;

Provided that the Central Government may for sufficient cause allow any such application to be made after the expiry of the period of thirty days aforesaid.

(2) Save as otherwise provided by an order made under clause (*a*) or clause (*b*) of sub-section (*1*), the order of the Central Government under sub-section (*1*) of section 3 shall be final.

Power to call for information, return, etc.

5. (*1*) The Central Government or any officer authorised by the Central Government in this behalf may, by order in writing, require the owner or publisher of any newspaper to furnish, within such time as may be specified in the order any information, return or report which the Central Government or such officer may consider necessary for carrying out the purposes of this Act and such owner or publisher shall be bound to comply with such order.

(2) If any owner or publisher contravenes any order under sub-section (*1*), he shall be punishable with fine which may extend to five hundred rupees.

Prohibition of sale of newspapers in contravention of the order under section 3.

6. No newspaper shall be sold in the territories to which this Act extends in contravention of an order made under section 3.

Penalty.

7. Whoever sells or causes to be sold a newspaper in contravention of an order made under section 3 shall, on first conviction, be punishable with fine which may extend to one thousand rupees and, on any second or subsequent conviction, with fine which may extend to two thousand rupees.

Offences by companies.

8. (*1*) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (*1*), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(*a*) "company" means a body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

Previous sanction of Central Government for prosecution.

9. No prosecution shall be instituted against any person in respect of any offence punishable under section 5 or section 7 without the previous sanction of the Central Government or such officer or authority as may be authorised by that Government by order in writing in that behalf.

STATEMENT OF OBJECTS AND REASONS

After the imposition of an excise duty of two paise on newspapers having a circulation above 15,000, a large number of newspapers in the country increased their prices not only to the extent of the duty but well in excess of it. This evoked a protest in Calcutta. A statement was made in Parliament on November 24, 1971, in which an appeal was made to newspapers not to increase the prices by more than the excise duty and it was made clear that should the appeal fail, Government would take appropriate steps in the matter. The Calcutta newspapers brought down the prices which they had earlier announced and restricted the increase to two paise. However, a number of newspapers published from various centres have not heeded the appeal. It has, therefore, become necessary for Government to promote legislation for regulation of the prices of newspapers in order to make available to the public newspapers at fair prices.

NEW DELHI; NANDINI SATPATHY.

The 17th December, 1971.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3(*1*) of the Bill empowers the Central Government to issue orders, from time to time, fixing the maximum prices which may be charged for such newspapers or class of newspapers as may be specified in the orders. In making an order under clause 3(*1*), the Government shall have regard to the basic price of the newspaper, the excise duties and other taxes, if any, payable in respect of the newspaper, any special circumstances arising subsequently having a bearing on the cost of production and other relevant circumstances. The power is thus exercisable in the light of the guidelines indicated in the clause. The delegation of legislative power is, therefore, of a normal character.

S. L. SHAKDHER,

Secretary.

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